

REMARKS

In the Office action dated October 12, 2005, claims 1-5, 13-16, 19-22 and 25-29 (all pending claims) were rejected under 35 USC 102(e) as being unpatentable over (U.S. 2003/0069874 A1). Applicant respectfully traverses this rejection.

First, Applicant is unable to find a published application having the publication number 2003/0069874 A1 and an inventor named Fee. Applicant assumes that this is merely a typographical error, as the Notice Of Reference cited includes an issued U.S. Patent to Fee having the patent number 6,415,314. This response addresses citations in the Office Action to this issued patent to Fee et al.

With respect to claims 1, 13, 18, and 25 (all pending independent claims), Applicant respectfully submits that not all of the claimed elements in the independent claims are taught, suggested, or otherwise disclosed by Fee. Claim 1 of the present application reads:

In a communications system apparatus with an Ethernet backplane and at least one internal occupant, a method for identifying internal occupants comprising:

verifying that a system switch processor ("SSP") has been assigned an IP address;

requesting a discovery protocol data package from said SSP;

determining whether said discovery protocol data package corresponds to said at least one internal occupant; and

if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant.

Fee, however, fails to teach or disclose the claimed limitation of requesting a discovery protocol data package from the SSP. Examiner has cited Fee at col. 8, lines 47-55 as disclosing this limitation. However, fee, at col. 8, lines 47-55 reads:

5. MIB Distribution

The DCA uses MIBs to gather information about the chassis and to effect control on the chassis. A MIB is a collection of managed objects (MOs) organized into a naming (MIB) tree with each object having a unique name or identifier within the tree. The identifier is known as an OID or Object IDentifier. In order for the DCA to operate as a single entity across all the modules in the chassis, all the MIBs supported by the chassis must be distributed across all the modules.

However, the Examiner has also likened the DCA to the SSA of the claimed invention, by saying that “Fee teaches ...(the claim limitation of) verifying that a system switch processor (SSP) (col. 8 line 33-38, “DCA”) has been assigned an IP address (col. 6, line 21-52). The examiner cannot say that the DCA of Fee not only is the SSP of the present application AND ALSO requests the discovery protocol data package from said SSP, as such a reading means that the DCA in Fee is requesting a discovery protocol data package FROM ITSELF. Furthermore, Fee at col. 8 lines 47-55 does not describe requesting a discovery protocol data package, it merely says that the DCA uses MIBs to gather information about the chassis. If the Examiner wants to read in protocol data into

this portion of Fee, or any other, and maintain a rejection based on “information about the chassis” necessarily means a protocol data package, Applicant respectfully requests evidence supporting such an assertion.

Because Fee does not teach, suggest, nor otherwise disclose requesting a discovery data protocol package, Applicant also respectfully submits that Fee fails to teach, suggest, or otherwise disclose the claimed limitation of if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant. While the Examiner cites Fee at col. 7, lines 1-5 as disclosing this limitation, col. 7, lines 105 merely reads:

Module Type

Chassis IP address

Chassis MAC address

Chassis Serial number

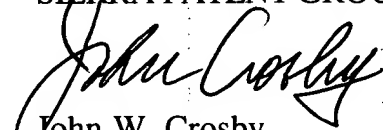
SMB controller status

And therefore lacks the necessary verbiage contained in the claimed limitation. Specifically, there is no disclosure in this portion of Fee or any other that describes making a determination that a said discovery protocol data package corresponds to said at least one internal occupant, AND there is no disclosure in this portion or any other portion in Fee of discovering occupant information corresponding to said at least one internal occupant once such a determination is made.

Without particularly pointing out where a cited reference anticipates the limitations of a claim, a 35 USC 102(e) rejection cannot be maintained. Applicant respectfully requests that the Examiner lift the rejection and place the application in condition for allowance.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,
SIERRA PATENT GROUP, LTD.



John W. Crosby
Reg. No. 49,058

Date: February 8, 2006

Sierra Patent Group, Ltd.
1657 Hwy 395, Suite 202
Minden, Nevada 89423
Telephone: (775) 586-9500